ordinarily go to Court on the plea that the compensation paid by the Collector is not adequate. There are several instances within my knowledge and this is more or less a benefit to the rich people. It is unnecessary to allow a greater rate of interest. The rate of 3 per cent per annum is quite reasonable when we take into account the compensation paid by the Collector. Even this rate requires further reduction.''

MR. SPEAKER :—'' The question is—

That the Land Acquisition (Madras Amendment) Bill, 1953, be passed into law.''

The motion was put and carried and the Bill passed into law.

(4) THE PROVINCIAL INSOLVENCY (MADRAS AMENDMENT) BILL, 1953.

*THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—'' Mr. Speaker, Sir, I beg to introduce the Provincial Insolvency (Madras Amendment) Bill, 1953, and move—

'*That the Bill be taken into consideration at once.*'

'' In doing so, I may be permitted to speak a few words. The Bill seeks to amend section 28-A of the Provincial Insolvency Act. The amendment is necessitated because on 29th August 1944 the Second Appellate Court of Pudukkottai gave a ruling that the right of a manager of a joint Hindu family to sell joint family property to discharge joint debts payable out of the joint estate was not 'property' under section 2 (*d*) of the Provincial Insolvency Act and that, therefore, such right did not vest in the Official Receiver on the insolvency of such manager. As per the definition given under section 2 (*d*) of the Act, 'property' includes any property in which or the profits in which any person has a disposing right which he may exercise for his own benefit. The Madras High Court, as per its decision on the 28th July 1942 reported in I.L.R. 1943 Madras 83 also held on the same lines that such right did not vest in the Official Receiver.

'' Hence the amending Act XXV of 1948 was passed by adding section 28 (A) to the Provincial Insolvency Act. This did not apply to the State of Pudukkottai. It applied only to the other parts of the State. The Provincial Insolvency Act was made applicable to the merged territories of Pudukkottai on and from 1st April 1949 by virtue of an order issued under the Extra Provincial Jurisdiction Act by G.O. Ms. No. 1166, Home, dated 24th March 1949, and later by section 1 (2) of the Merged States (Laws) Act. On both these occasions, no modification of section 28 (A) was made. Since section 5 of Act LIX of 1949 and G.O. Ms. No. 1116, Home, dated 24th March 1949, repealed the corresponding laws prevailing there, it is found necessary to amend section 28. Now what is sought to be done under this Bill is to amend section 28 (A) by substituting '7th day of May 5-30 P.M.

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1947' the date of the commencement of the Pudukkottai Insolvency Amendment Regulation XIII of 1947 for the words 'before the commencement of the Provincial Insolvency (Amendment) Act, 1948'. It is also sought to substitute 'the 29th day of August 1944', the day of the judgment of the Pudukkottai Second Appeal for '28th day of July 1942', the date of the Madras High Court judgment. This is a necessary amendment and I am sure there need not be any discussion or misapprehension about it."

MR. SPEAKER :—"I shall put the motion to the vote of the House. The question is—

'That the Provincial Insolvency (Madras Amendment) Bill, 1953, be taken into consideration at once.'"

The motion was put and carried.

Clauses 2 and 1 and the Preamble were separately put and carried.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Sir, I beg to move—

'*That the Provincial Insolvency (Madras Amendment) Bill, 1953, be passed into law.*'"

MR. SPEAKER :—"The question is—

'That the Provincial Insolvency (Madras Amendment) Bill, 1953, be passed into law.'"

The motion was put and carried and the Bill passed into law.

(5) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) AMENDMENT BILL, 1953.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—"Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill[a], 1953 and move—

'*That the Bill be taken into consideration at once.*'

"Sir, this is a simpler Bill than the one I moved a little earlier. The idea behind this Bill is this. For taking over the estates, compensation is given and that is calculated on a certain figure called the basic annual sum. Upon that the compensation is worked out. Now in working out the compensation in that way, in respect of tenures, the under-tenures do not get any compensation at all because the proportion in which it is worked does not work out in such a way as to give any compensation. But the spirit of the Act and the Constitution is that some compensation should be given for the estates taken over. That is why we are now bringing in this amendment to see that at least some compensation is paid. This is provided in clause 2 of the Bill, that is, 'provided that the total amount to be deducted as aforesaid shall in no case exceed one-half of the aggregate of the net

[a] Published in the *Fort St. George Gazette*, dated 4th March 1953.